

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRIDGET A. MATTHIE,

Plaintiff,

-against-

BOARD OF EDUCATION of the COLTON PIERREPONT  
CENTRAL SCHOOL DISTRICT, and MARTIN BREGG,  
INDIVIDUALLY and in his official capacity as  
SUPERINTENDENT OF SCHOOLS,

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Defendants.

**PROPOSED ORDER**

Civil Action No.: 7:10-cv-629  
(TJM/GHL)

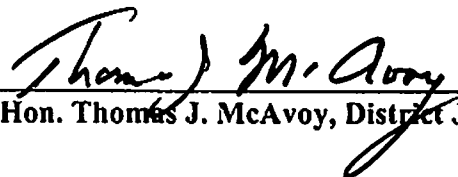
**WHEREAS**, the defendants, Board Of Education of the Colton Pierrepont Central School District, and Martin Bregg, Individually and in his official capacity as Superintendent of Schools, having commenced a motion to dismiss the amended complaint pursuant to F.R.C.P. §12(b)(1) and §12(b)(6) for judgment on the pleadings and dismissal of plaintiff's complaint having been returnable at a motion term of the Court held at the U.S. District Courthouse in Albany, New York on October 12, 2010;

**NOW**, upon reading the defendants' notice of motion, Affirmation of John F. Moore, Esq. in Support (with Exhibits "A" – "G" annexed thereto), and Memorandum of Law (with Exhibit "1" annexed thereto), upon the Attorney Affirmation of Stephen Ciotoli, Esq. in Opposition to Motion to Dismiss and Memorandum of Law filed by plaintiff, and upon the Reply Affirmation of John F. Moore, Esq. and Reply Memorandum of Law, and upon all prior pleadings and proceedings hereto had herein, and due deliberation having been had thereon;

NOW, on motion of Towne, Ryan & Partners, P.C., attorneys for the defendants, and pursuant to the Court's oral order made on October 12, 2010, and for the reasons set forth therein, it is

**ORDERED**, that the defendants' motion to dismiss is granted in its entirety and the plaintiff's complaint is dismissed.

**SO ORDERED:**

  
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Hon. Thomas J. McAvoy, District Judge

10/28/10  
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Dated